

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

October 18, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on October 11, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 17, 2012 in the amount of \$ 256,785.10 are authorized and allowed and Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of October 11 – October 17, 2012
- Report from the Building Inspector's Office from October 9 – October 15, 2012
- Statements of cash receipts from the Library from September 26 – September 30, 2012
- Statement from the City Clerk's Office of all monies received during the month of September 2012 in the total amount of \$16,640.49
- Report of Public Hearing held by the Zoning Board of Appeals on October 15, 2012
- Report from the Parking Violations Bureau for September 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Calnon
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS:

- Report from the City of Plattsburgh's 2012 Redistricting Committee.

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 307,590.80 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Andrew Golt 17 Couch Street said I've got three issues. One the Meth Lab that was busted up on that little Street off of Hamilton Street. What's going to happen with that? Because I just heard a story on the radio where a lot of meth lab houses have to be torn down at great expense. Is that place going to be?

Mayor Kasprzak said you know the process we don't talk or debate but it is habitable and it's not going to be torn down.

Andrew Golt 17 Couch Street said I'm trying to let people know that meth labs are really bad. My wife and I own property on Broad Street. So whenever I work there, 34 Broad, whenever I hear a car accelerating turn around and look lights turning red cars are going through. It's been going on for 15 years or so we've owned the property. So now I'm doing some repairs there I wonder why the police, I wish Chief Racicot was here, there needs to be a cop sitting in somewhere hiding catching cars. It isn't that people go through as the light's turning red. The light is red and they go through it before they even get to the intersection its red. And this goes on all day long. I've been there for the last 3 days. The CART bus is going toward Stafford Middle School the speed limit is 20 during school hours and it is speeding. Next issue is sidewalks on Upper Cornelia there's a couple places where there is no sidewalk whatsoever.

Jake Navatka SUNY student said I'm a student in Professor Mandeville's class and he gave us a copy of a summary of the budget plan you put forward and I'm curious how long a process was that and does it focus on infrastructure and trying to put people to work in that regard.

Mayor Kasprzak said I suggest you make an appointment and I'll meet with you to help you with the process. Your professor will understand you didn't get it at this meeting because this is a public comment period and we usually listen.

Laverne Hicks 9 Alex Way said I'd like to find out if Bombardier is going to get any tax easements on their new building. [Laverne submitted a document in to the minutes and to the Council] This here is the past 4 years for Bombardier in taxes. 09, 10 they did not pay taxes. 2011 on the 4 pieces of property they owned they paid \$164,521.22. In 2012 there taxes went down. They went down \$37,917.38. We're talking about putting people out of work, raising our taxes, raising our water and sewer bills, raising our light bills, raising our garbage. How can you look at any citizen in the City of Plattsburgh and say whoa how can this happen? I don't think the citizens of the City of Plattsburgh realize the breaks that Bombardier's getting on the backs of us. It's wrong and I think the City and you people around the table had better sit down and start looking at this and start thinking about, like that gentleman said, the retirees, the senior citizens and those middle class people that can't afford. These people are putting money in their pockets they're a corporation. They don't give a damn about anybody here. They don't care about anybody in the City of Plattsburgh. All they want to do is fill their pockets. There a corporation. They don't care whether you live on Durkee Street or whether you live up on the west end. They don't care where I live that's for damn sure. This is going to go in the paper. I want the citizens of the City of Plattsburgh to know what the people here sitting at this table are giving for a break for Bombardier. Where their taxes are going down and our taxes are going up. Mr. Tiffer did you get my information for me?

Councilor Tiffer said I'm not going to answer your question there is no back and forth here.

Laverne Hicks 9 Alex Way said I didn't expect anything more.

Councilor Tiffer said it's not my responsibility to teach you economics.

Laverne Hicks 9 Alex Way said no you made a comment!

Mayor Kasprzak said thank you Laverne.

Laverne Hicks 9 Alex Way said I think I still have a minute and a half.

Mayor Kasprzak said you can speak but you are not going to have dialogue with the Councilors.

Laverne Hicks 9 Alex Way said I'm not going to argue with him.

Mayor Kasprzak said you are.

Laverne Hicks 9 Alex Way said I asked him a question!

Mayor Kasprzak said but he doesn't have to answer you.

Laverne Hicks 9 Alex Way said I didn't expect any more from him in his infinite wisdom. Has the city found their documents yet for legally zoning the block that I live on industrial? As far as I know there's no legally zoning for it. All they have is a map this is your industry they have to legally zone it. And I'd like to know if you have come up with the information yet. I asked for that last week also.

Harold Hicks 9 Alex Way said I had no intention of speaking here tonight. But the gentleman that was up

ahead of us has really got a concern that a lot of people in this country they have. You get to be a senior citizen you're on a fixed income. You can't pay your taxes you can't pay your water bill; guess what you are out on the street. I'm being forced out of my home for different reasons. We cannot stand it the noise is out of this world. I understand from the building inspector's office that they can make all the noise that they want! I know Mr. Carpenter remarked and my brother in law lives right across the street from him a quarter mile down the street, and I'm guessing at that, he hears the trains! So what is reasonable noise? But we did make the first step today at maybe straightening this out. We contacted an attorney and some remarks that the Zoning Board made is very disturbing. The chair said he could see no difference between a 40 some foot building taking the sun light from your house and a 65 foot building there's no difference. And there ain't a 111 feet from my property to 300 feet is what the zoning calls for. They bought a piece of property not having room to build their plant. And anytime you following zoning laws so you have to bend over backwards cut my throat to make amends for their stupidity because they didn't buy a big enough piece of property. And anytime you want to walk the property I'll walk it with you. I'll show you they cannot build that building because they don't have enough room. And that was one thing the attorney was amazed that don't have the room, you're right.

Ernie Gillespie 89 Main Mill Street said by letting Bombardier doing what you're doing. It's not just this Council it's the Zoning Board and the Planning Board. They've got one more meeting and then things are going to change. That's when the paperwork's going to start flying. The bottom line is Bombardier doesn't care. They don't care about the Council or the City of Plattsburgh because you're the ones that are first in line. You're the ones that are giving them free access to do what they want to do. So when it comes down to a legal aspects of this the city is going to be responsible to answering for things depreciating the value of my property by letting this go on. Bottom line is it is residential in there you can cut this cake anyway you want. We're grandfathered in and you have to follow those laws. It's very very simple and you're not. It'll come out and a lot of people are going to have egg on their face when it comes out.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves PMLD Bid No. 2012-8-2 "St. Lawrence 1 and St. Lawrence 2 Substation Upgrades – Testing and Commissioning" be awarded to O'Connell Electric Company in the total amount of \$85,000.

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. ADOPTION OF LOCAL LAW P-3 OF 2012

RESOLVED: Local Law P-3 of 2012 amending in its entirety City Code § Section 219 to regulate discharges into the City of Plattsburgh's Wastewater System. The entire text of which has been

distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Mayor Kasprzak to attend the NYCOM Executive Committee and Legislative Priorities Meeting in Albany, NY from November 18-19, 2012 at an estimated cost not to exceed \$500.

By Councilor Rabideau; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Kelly Clookey to attend the "MEUA Accounting and Finance Workshop" in East Syracuse, NY on November 14-16, 2012 at a cost not to exceed \$730.

By Councilor Jackson; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request to accept and adopt the Redistricting Commission's Ward designations for 2013.
2. Request from Bill Treacy, Manager MLD to write-off unpaid final bills from August 1, 2011 to August 30, 2011 in the total amount of \$2,632. The percentage of write-offs for this period is .27%.

Councilor Jackson said I am going to check with Kelly I'm surprised it's not August 31st. I don't understand the August 30th date for the write-offs so that date may change next week.

3. Request from the City Chamberlain to adjust the 2012 General Fund and Debt Service Budgets by \$9,512.41 for unbudgeted debt service costs for the NYS EFC bond funding established to pay for the Akey Landfill remediation. The adjustment will require Contingency funds to be used for the General Fund increased debt service appropriation but will not increase the 2012 General Fund Budget.
4. Request from Police Chief Desmond Racicot for one Police Officer to attend "NIJ Rural Law Enforcement Technology Institute" in Annapolis, MD from October 28 – November 2, 2012 there will be no cost to the City as the training is covered by the National Institute for Justice.

10. NEW BUSINESS: None

11. CLOSING PUBLIC COMMENTS:

Laverne Hicks 9 Alex Way said I noticed that in your agenda tonight that you have write-off electric bills. Approximately how much do you write-off a year?

Mayor Kasprzak said \$60,322.

Laverne Hicks 9 Alex Way said now that would pay for a couple of men to work wouldn't it? Is there any reason why we don't go after these people?

Mayor Kasprzak said we do. Your husband knows that because he was on the Council and we're very aggressive in doing it. We get a lot of that back.

Laverne Hicks 9 Alex Way said you do then how come it's a write-off?

Councilor Tiffer said it's an accounting practice.

Mayor Kasprzak said it's an accounting practice by Public Service Commission law we have to do. I think you know that too.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

MEETING ADJOURNED: 5:50 pm

| | 2009 | 2010 | 2011 | 2012 | Differance |
|-----------------|-----------|-----------|-----------|-----------|------------|
| 69 Main Mill St | 10921.22 | 11114.21 | 11324.12 | 8714.26 | 2609.96 |
| 79 Main Mill St | 14282.86 | 14535.26 | 14809.78 | 11396.58 | 3413.2 |
| 81 Main Mill St | 292.5 | 297.66 | 303.29 | 233.39 | 69.9 |
| 71 Wall St. | 309385.41 | 135525.46 | 138085.03 | 106260.71 | 31824.32 |
| | 334881.99 | 161472.59 | 164521.22 | 126604.94 | -37917.38 |

10/18/12: Documented Submitted by Laverne Hicks 9 Alex Way

Local Law P-3 of 2012 Amending Chapter 219 of the City Code to Regulate Discharges into the City of Plattsburgh's Wastewater System

Be It Enacted by the Common Council of the City of Plattsburgh, as follows:

1. The following sections of Chapter 219 of the City Code are amended to read as follows:

A. City Code § 219-2 is amended to include the term "Significant Noncompliance" which is defined as follows:

Significant Noncompliance: A Significant Industrial User (or any Industrial User which violates paragraphs (C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference, or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (VI) (B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as base line monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.

B. § 219-35. Slugs and Accidental discharges.

- A. Each user shall provide protection from slugs and the accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of any new facility, which will be an SIU. All existing SIU's shall complete such a plan by January 1, 1985. No SIU who commences contribution to the WPCP after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city, including control plans. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter In the case of an accidental discharge; it is the responsibility of the user to immediately telephone and notify the WPCP of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective action. "The required elements of the control plan include:
- 1) Description of the discharge practices, including non-routine batch Discharges.
 - 2) Description of stored chemicals.
 - 3) Procedures for immediately notifying the City of Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days.
 - 4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- B. Written notice. Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- C. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

C. § 219-43. Reporting requirements for permittees.

A. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M anchor pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

B. Periodic compliance reports.

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the WPCP, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subsection A of this section. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(2) The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection B (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(C) All reports and certifications must include the necessary signatory requirements per 40 CFR 403.12 (I).

(D) All SIUs must comply with the record-keeping requirements found in 40 CFR 403.12(o).

D. § 219-46. Pretreatment.

A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operating shall be reported to and be acceptable to the city prior to the user's initiation of changes.

B. The city shall annually publish in its official newspaper a list of the users which were in significant non-compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

...

D. SIUs must comply with the requirements of 40 CFR 403.12(p) including notifying the City, in writing, of any discharge of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.

2. This law shall take effect immediately upon filing with the New York Secretary of State.